

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No.: 09/855,797

Filed: May 16, 2001

For: **Recombinational Cloning Using
Nucleic Acids Having
Recombination Sites**

Confirmation No.: 2106

Art Unit: 1636

Examiner: Schlapkohl, W.

Atty. Docket: 0942.285000G/RWE/BJD/JKM

Sixth Supplemental Information Disclosure Statement

Under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Sixth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fifth Supplemental Information Disclosure Statement filed on February 1, 2005 in connection with the above-captioned application.

Copies of documents AM23 to AM24 and AT215 to AR222 are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications documents AH20 to AJ23, cited on the attached IDS Form, PTO/SB08A, are not submitted. In addition, copies of documents AS222 to AT223 are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 10/633,690, Byrd *et al.*, filed August 5, 2003 and listed as Document AS222;

Application No. 11/106,715, Byrd *et al.*, filed April 15, 2005 and listed as Document AT222;

Application No. 11/249,274, Hartley *et al.*, filed October 14, 2005 and listed as Document AR223;

Application No. 11/251,821, Brasch *et al.*, filed October 18, 2005 and listed as Document AS223; and

Application No. 11/290,804, Gray *et al.*, filed December 1, 2005 and listed as Document AT223.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from:

the related co-pending U.S. Patent Application No. 09/432,085, Hartley *et al.*, as Document AR219;

the related co-pending U.S. Patent Application No. 09/517,466, Hartley *et al.*, as Document AS219;

the related co-pending U.S. Patent Application No. 09/907,719, Hartley *et al.*, as Document AT219;

the related co-pending U.S. Patent Application No. 10/058,291, Hartley *et al.*, as Documents AR220 and AS220;

the related co-pending U.S. Patent Application No. 10/058,292, Hartley *et al.*, as Documents AT220 and AR221;

the related co-pending U.S. Patent Application No. 10/151,690, Brasch *et al.*, as Document AS221;

the related co-pending U.S. Patent Application No. 10/162,879, Hartley *et al.*, as Documents AT221 and AR222;

which are directed to related technical subject matter. The identification of these Office Actions and Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114, filed herewith. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

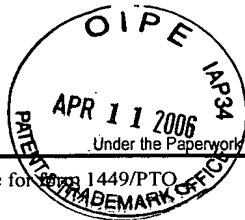
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: April 11, 2006

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SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	09/855,797
				Filing Date	May 16, 2001
				First Named Inventor	James L. HARTLEY
				Art Unit	1636
Examiner Name	Schlapkohl, W.				
Sheet	1	of	2	Attorney Docket Number	0942.285000G/RWE/BJD/JKM

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	AH20	5,552,314	09/03/1996	Greener, Alan L.	
	AI20	5,695,971	12/09/1997	Kadokami <i>et al.</i>	
	AJ20	5,910,438	06/08/1999	Bernard <i>et al.</i>	
	AK20	5,929,307	07/27/1999	Hodges <i>et al.</i>	
	AA21	5,994,136	11/30/1999	Naldini <i>et al.</i>	
	AB21	6,025,192	02/15/2000	Beach <i>et al.</i>	
	AC21	6,040,138	03/21/2000	Lockhart <i>et al.</i>	
	AD21	6,110,735	08/29/2000	Chartier <i>et al.</i>	
	AE21	6,120,764	09/19/2000	Graham <i>et al.</i>	
	AF21	6,121,043	09/19/2000	Cochran <i>et al.</i>	
	AG21	6,140,087	10/31/2000	Graham <i>et al.</i>	
	AH21	6,156,497	12/05/2000	Kaleko	
	AI21	6,165,782	12/26/2000	Naldini <i>et al.</i>	
	AJ21	6,228,646	05/08/2001	Hardy	
	AK21	6,281,000	08/28/2001	Chartier <i>et al.</i>	
	AA22	6,303,301	10/16/2001	Mack	
	AB22	6,309,822	10/30/2001	Fodor <i>et al.</i>	
	AC22	6,333,155	12/25/2001	Lockhart <i>et al.</i>	
	AD22	2002/0094574 A1	07/18/2002	Hartley <i>et al.</i>	
	AE22	2002/0192819 A1	12/19/2002	Hartley <i>et al.</i>	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	AM23	WO 96/23904 A1	08/08/1996	Replicon, Inc.		
	AN23	WO 97/47758 A1	12/18/1997	Massachusetts Institute of Technology		
	AO23	WO 98/38326 A1	09/03/1998	Nature Technology Corporation		
	AP23	WO 01/68836 A2	09/20/2001	Genetica, Inc. & Cold Spring Harbor Laboratory		
	AL24	WO 2005/012487 A2	02/10/2005	Invitrogen Corporation		
	AM24	WO 2005/014796 A2	02/17/2005	Invitrogen Corporation		

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Substitute for form 1449/PTO SIXTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
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				Art Unit	1636
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		Number-Kind Code ² (if known)			
	AF22	2003/0022179 A1	01/30/2003	Chesnut <i>et al.</i>	
	AG22	2003/0054552 A1	03/20/2003	Hartley <i>et al.</i>	
	AH22	2003/0100110 A1	05/29/2003	Hartley <i>et al.</i>	
	AI22	2003/0157716 A1	08/21/2003	Hartley <i>et al.</i>	
	AJ22	2004/0132133 A1	07/08/2004	Bennett, Robert P.	
	AK22	2004/0219673 A1	11/04/2004	Hartley <i>et al.</i>	
	AA23	2004/0229229 A1	11/18/2004	Cheo <i>et al.</i>	
	AB23	2004/0253620 A1	12/16/2004	Leong <i>et al.</i>	
	AC23	2004/0253631 A1	12/16/2004	Hartley <i>et al.</i>	
	AD23	2004/0265863 A1	12/30/2004	Chesnut <i>et al.</i>	
	AE23	2005/0009091 A1	01/13/2005	Hartley <i>et al.</i>	
	AF23	2005/0069929 A1	03/31/2005	Chestnut <i>et al.</i>	
	AG23	2005/0095615 A1	05/05/2005	Welch <i>et al.</i>	
	AH23	2005/0176065 A1	08/11/2005	Hanson, George Thomas	
	AI23	2005/0181417 A1	08/18/2005	Miles <i>et al.</i>	
	AJ23	2005/0208530 A1	09/22/2005	Chesnut <i>et al.</i>	

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	FP10					
	FP11					
	FP12					
	FP13					
	FP14					
	FP15					
	FP16					
	FP17					
	FP18					

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	AT215	Alonso, J.C., "Site-specific recombination in Gram-positive theta-replicating plasmids," <i>FEMS Microbiol. Lett.</i> 142:1-10, Elsevier Science B.V. (August 1996)	
	AR216	Amin, A.A., <i>et al.</i> , "Synthesis of an Enzymatically Active FLP Recombinase In Vitro: Search for a DNA-Binding Domain," <i>Molec. Cell. Biol.</i> 9: 1987-1995, American Society for Microbiology (1989)	
	AS216	Bliska, J.B and Cozzarelli, N.R., "Use of Site-Specific Recombination as a Probe of DNA Structure and Metabolism <i>in Vivo</i> ," <i>J. Molec. Biol.</i> 194:205-218, Academic Press Inc. (1987)	
	AT216	Chatterjee, P.K. and Sternberg, N.L., "Retrofitting High Molecular Weight DNA Cloned in P1: Introduction of Reporter Genes, Markers Selectable in Mammalian Cells and Generation of Nested Deletions," <i>Genet. Anal.: Biomolec. Eng.</i> 13:33-42, Elsevier Science B.V. (July 1996)	
	AR217	Huang, L.-C., <i>et al.</i> , "A bacterial model system for chromosomal targeting," <i>Nucl. Acids Res.</i> 19:443-448, Oxford University Press (1991)	
	AS217	Kanegae, Y., <i>et al.</i> , "Efficient gene activation in mammalian cells by using recombinant adenovirus expressing site-specific Cre recombinase," <i>Nucl. Acids Res.</i> 23:3816-3821, Oxford University Press (1995)	
	AT217	Lieber, A., <i>et al.</i> , "Recombinant Adenoviruses with Large Deletions Generated by Cre-Mediated Excision Exhibit Different Biological Properties Compared with First-Generation Vectors In Vitro and In Vivo," <i>J. Virol.</i> 70:8944-8960, American Society for Microbiology (December 1996)	
	AR218	Liu, X. and Gorovsky, M.A., "Mapping the 5' and 3' Ends of <i>Tetrahymena thermophelia</i> mRNAs Using RNA Ligase Mediated Amplification of cDNA Ends (RLM-RACE)," <i>Nucl. Acids Res.</i> 21:4954-4960, Oxford University Press (1993)	
	AS218	Short, J.M., <i>et al.</i> , "λ ZAP: a bacteriophage λ expression vector with <i>in vivo</i> excision properties," <i>Nucl. Acids Res.</i> 16:7583-7600, IRL Press Limited (1988)	
	AT218	Wang, Y. <i>et al.</i> , "Targeted DNA recombination in vivo using an adenovirus carrying the cre recombinase gene," <i>Proc. Natl. Acad. Sci. USA</i> 93:3932-3936, National Academy of Sciences (April 1996)	

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NON PATENT LITERATURE DOCUMENTS			
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	AR220	Copy of Office Action for United States Patent Application No. 10/058,291, Hartley <i>et al.</i> , mailed April 28, 2005	
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	AR222	Copy of Office Action for United States Patent Application No. 10/162,879, Hartley <i>et al.</i> , mailed October 20, 2005	

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	AS222	United States Patent Application No. 10/633,690, Byrd <i>et al.</i> , filed August 5, 2003	
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